

### **REMARKS**

By this Amendment, claims 17, 19, 22-23, 33, 35 and 38-39 are amended. Claims 18, 20-21, 24-32, 34, 36-37 and 40-48 remain in the application. Thus, claims 17-48 are active in the application. Reexamination and reconsideration of the application are respectfully requested.

In item 4 on page 2 of the Office Action, claims 17 and 33 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicants regard as the invention. In particular, the Examiner asserted that the limitation “the audio stream” is indefinite in claims 17 and 33 because claims 17 and 33 recite an audio stream which has been subjected to a data conversion process for digital audio data, and another audio stream which has not been subjected to the data conversion process for digital audio data.

In view of the indefiniteness rejection of claims 17 and 33, claims 17 and 33 have each been amended to recite that a first audio data stream which has been subjected to a data conversion process for digital audio data, and a second audio stream which has not been subjected to the data conversion process are inputted to the data recording and reproduction apparatus. Furthermore, the claims have also been amended in order to definitely recite each limitation in view of the amendments made to claims 17 and 33.

The Applicants respectfully submit that amended claims 17 and 33, as well as claims 18-32 and 34-48 which depend therefrom, are clearly definite by particularly pointing out and distinctly claim the subject matter which the Applicants regard as the invention.

The Applicants thank the Examiner for kindly indicating, in item 7 on page 3 of the Office Action, that claims 17 and 33 would be allowable if rewritten to overcome their rejection under 35 U.S.C. § 112, second paragraph.

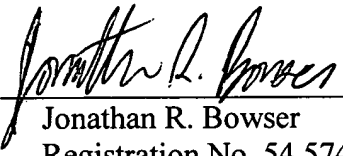
Having amended each of claims 17 and 33 to overcome their rejection under 35 U.S.C. § 112, second paragraph, the Applicants respectfully submit that claims 17 and 33, as well as claims 18-32 and 34-48 which depend therefrom, are clearly in condition for allowance.

Accordingly, in view of the foregoing amendments and remarks, it is respectfully submitted that the present application is clearly in condition for allowance. An early notice thereof is respectfully solicited.

If, after reviewing this Amendment, the Examiner feels there are any issues remaining which must be resolved before the application can be passed to issue, the Examiner is respectfully requested to contact the undersigned by telephone in order to resolve such issues.

Respectfully submitted,

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